BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: JULY 19, 2006 Division: TDC
Bulk Item: Yes X No Department:
Staff Contact Person: Maxine Pacini
AGENDA ITEM WORDING: Approval of an Agreement with the Florida Keys Council of the Arts to act as a county wide Cultural Umbrella to make recommendations to the Monroe County Tourist Development Council and County concerning funding for tourism related cultural activities.
ITEM BACKGROUND: TDC to approve same at their meeting of July 11, 2006
PREVIOUS RELEVANT BOCC ACTION:
CONTRACT/AGREEMENT CHANGES: New Contract
STAFF RECOMMENDATIONS: Approval
TOTAL COST: \$670,800 BUDGETED: Yes X No
COST TO COUNTY: \$670,800 SOURCE OF FUNDS: TDC
REVENUE PRODUCING: Yes X No AMOUNT PER MONTH Year
APPROVED BY: County Atty X OMB/Purchasing X Risk Management X
DIVISION DIRECTOR APPROVAL: (Lynda Stuart)
DOCUMENTATION: Included X Not Required
DISPOSITION: ACENDA ITEM #

Revised 2/05

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

	CONTR	ACT SUMMARY	
Contract with:	Florida Keys Council of the	Contract #	
	arts	Effective Date:	10/1/06
		Expiration Date:	
Contract Purpose	•	1 77 6 41 6.	3
Approvat of a wide Cultural	n Agreement with the Flori Umbrella to make recomm	da Keys Council of tendations to the Mor	the Arts to act as a county
<u>Development</u>	Council and County concer	rning funding for tou	rism related cultural
activities.			

Contract Manage	***************************************		TDC # 3
	(Name)	(Ext.)	(Department/Stop #)
for BOCC meeti	ng on 7/19/06	Agenda Deadline	7/5/06
	CONT	RACT COSTS	
	CONT	RACI COSIS	
	ue of Contract: \$ 670,80		Portion: \$
Budgeted? Yes⊵ Grant: \$	No Account Coo	des: See Attached	
County Match: \$			
		-	## ## ##
Estimated Ongoi	ADDIT ng Costs: \$/yr	IONAL COSTS For:	
(Not included in dol			ties, janitorial, salaries, etc.)
	CONTR		
	CONTR	RACT REVIEW	
	Changes		Date Out
Division Director	Date In Needed 1 53406 Yes∏No	Rev	iewer 5/90/01
Division Director		MACA	for
Risk Managemen	nt 55000 Yes No [- 11- 1/44	<u> </u>
O.M.B./Purchasin	ng <u>5</u> 26 6 Yes No		> 5BO/CC
County Attorney	S/16/06 Yes No	S.Grin	msley 5/16/08
Comments:			-

	KW CELESRATION OF THE CIGAR FEST	530480				75041	
	CULTURAL PR	530480	×	205	530340	75011	115
	MAINE, M. FISHER MARITIME MUSEUM	530480				75011	ङ्ग
	SUNDAY IN THE PARK	530480				75011	35
	SOMBRERO CUP REGATTA	530480				75011	5
	KEY WEST ART & HISTORICAL SOC.	530480				75011	115
	ISLA ANNUAL FINE ARTS & MUSIC	530480	×	031	530340	75011	5
	FL. KEYS DISCOVERY LECTURES	530480				75011	*
11,500	PIGEON KEY ART FEST 2/10-12/2006	530480		T65C 029	530340	75011	135
200	PIGEON KEY ART FEST 2/12-13/05	530410	×	T65c 029	530340	75011	5
	FL KEYS KENAISSANCE FAIRE 1/19-21, 2002	530480	×	028	530340	75011	쿬
	FLKEYS RENAISSANCE FAIRE 1/19-21, 2002	530410	×	028	530340	75011	115
	KW LITERARY SEMINAR 1.1920/02, 19-16/03	530410	~	027	530340	75011	115
-	KW LITERARY SEMINAR 1/9-16/03; 1/8-15/04	530480	~	027	530340	75011	115
	KW LITERARY SEMINAR 1/6-16/05 2/5/06-1/8/06	530480	×	027	530340	75011	135
	KW LITERARY SEMINAR 1/8-15/04	530480	×	027	530340	75011	115
	KWLITERARY SEMINAR 1/8-15/04	530410	×	027	530340	75011	135
·	GENERIC ARTS	530470	×	239	530340	75011	25
201,240	GENERIC ARTS	530480	×	T65C 239	530340	75011	15
1/30-2/1;2/6-2/8;2/13	KEY WEST WRITER'S WORKSHOP 1/16-18;1/13-25;1/30-2/1;2/6-2/8;2/1	530480	×	025	530340	75011	15
	WOMEN'S WEEK 9/5-12, 2002	530410	~	024	530340	75011	115
	WOMEN'S WEEK 9/5-12, 2002	530480	+	924	530340	75011	115
	WOMEN'S WEEK 9/4-11, 2001	530480		024	530340	75011	<u></u>
21,000	WATERFRONT PLAYHOUSE 12/1/05 - 5/27/06	530480	ж ×	T65C 023	530340	75011	35
7,000	WATERFRONT PLAYHOUSE 10/1 - 9/30/05	530480	-γ	155C 023	530340	75011	35
3	20th U/W MUSIC FESTIVAL 7/10/2004	530480		922	530340	75011	35
9,100	U/W MUSIC FESTIVAL 7/8/2006	530480	×	T65C 022	530340	75011	115
2,000	TW FINE ARTS CTR	530410	×	T65C 021	530340	75011	115
19,000	TW FINE ARTS CTR 11/05-6/06	530480	×	765C 021	530340	75011	115
23,000	RED BARN THEATRE 10/05-9/06	530480	-	T65C 020	530340	75011	3
	RED BARN THEATRE 10/03-9/04	530410	×	020	530340	75011	5
5,000	RED BARN THEATRE 10/10/04-9/30/05	530480		T55C 020	530340	75011	115
0	OLD ISLAND DAYS ART FEST	530480	×	T65C 019	530340	75011	1 35
	OLD ISLAND DAYS ART FEST 2/26-27/05	530410		019	530340	75011	135
13,760	KW HOUSE/GARDEN TOURS 12/0-3/06	530480		T65C 018	530340	75011	15
	17th ISLAND ART FAIR 12/14/2003	530480	7 ×	017	530340	75011	苏
	17th ISLAND ART FAIR 12/14/2003	530410	* *	017	530340	75011	135
	INDIAN KEY FESTIVAL	530480	ъ Ж	910	530340	75011	Ċħ.
	KEY WEST CRAFT SHOW 1/29-30/05	530480	×	266	530340	75011	15
2,250	ART UNDER OAKS 1/14/2006	530480	۶ ×	T65C 015	530340	75011	115
500	ART UNDER OAKS 1/14/2006	530410		T65C 015	530340	75011	15
40,863	CULTURAL UMBRELLA RESOURCES	530340 702,300		T65C 238	530340	75011	ä
BUDGET							
PROPOSED							
FISCAL YEAR 7/	***************************************						
	35	Management - Transcriptor (August - August - August - Augus -					
				č			
				35	5/12/2005	updated	

IMPROMPTIL CONCERTS 11/15/2/2/2/2/3,3/16,3/30,4/6/03 June 8 ISLAND JUBILEE 11/2-5, 2000 LK HISTORICAL SEA CRAFT KEY WEST ANNUAL CRAFT SHOW 1/24-25/04 KEY WEST ANNUAL CRAFT SHOW BUCCAMEER, JAMBOPREE NILLIGHTHOUSE CONFERENCE JAZZ IN THE KEYS BARLEYS BAY FESTIVAL 5/10 & 11/2002 BARLEYS BAY FESTIVAL 5/10 & 11/2002 BARLEYS BAY FESTIVAL 5/9-10/2003 1ASTE OF THE KEYS F&F BASH FESTIVAL BY THE BAY OKTOBERFEST 10/6/2001 OKTOBERFEST 10/6/2002 OKTOBERFEST 10/6/2002 MFMHS MYTHS & DREAMS KW SYMPHONY ORCHESTRA MFMHS ARMED & DANGEROUS 1-12, 2002 KW JAZZ & BLUES FESTIVAL 12/15-16, 2000 KW JAZZ & BLUES FESTIVAL 12	\$20480 \$20480		\$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340	75011 75011	3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3
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IMPROMPTU CONCERTS 11/05/706 SHPROMPTU CONCERTS 11/18/02/11/2/22/2/23/3/16/3/30/4/6/03 June ISLAND JUBILEE 11/2-5, 2000 LK HISTORICAL SEA CRAFT KEY WEST ANNUAL CRAFT SHOW 1/24-25/04 KEY WEST ANNUAL CRAFT SHOW BUCCAMEER JAMBOREE NIL LIGHTHOUSE CONFERENCE JAZZ IN THE KEYS BARLEYS BAY FESTIVAL 5/10 & 11/2002 BARLEYS BAY FESTIVAL 5/10 & 11/2002 BARLEYS BAY FESTIVAL 5/10 & 11/2002 BARLEYS BAY FESTIVAL 5/10 & 10/2003 TASTE OF THE KEYS F&F BASH FESTIVAL BY THE BAY OKTOBERFEST 10/5/2002 OKTOBERFEST 10/5/2002 OKTOBERFEST 10/5/2002 MFMHS MYTHS & DREAMS KW SYMPHONY ORCHESTRA 10/05-6/06 KW SAMB ARMED & DANGEROUS 1-12, 2002 KW JAZZ & BLUES FESTIVAL 12/15-16, 2000 KEY WEST GARDEN CLUB 38/9/2003 KEY WEST GARDEN CLUB 38/9/2003			\$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340 \$30340	75011 75011 75011 75011 75011 75011 75011 75011 75011 75011 75011 75011 75011 75011	1
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IMPROMPTU CONCERTS 11/18/02/1/12/22/22/33/16/3/30,4/6/03 June IMPROMPTU CONCERTS 11/18/02/1/12/22/22/33/16/3/30,4/6/03 June ISLAND JUBILEE 11/2-5, 2000 LK HISTORICAL SEA CRAFT KEY WEST ANNUAL CRAFT SHOW 1/24-25/04 KEY WEST ANNUAL CRAFT SHOW		267	530340	75011	
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·····	X 530480	041	530340	75011	쿲
	X 530410	T65c 041	530340	75011	155
	X 530480	T65C 041	530340	75011	35
,2/8/2/22/3/7/3/21:6&7/04	Y 530410	041	530340	75011	퍐
32	Y 530480	T55C 040	530340	75011	115
22	X 530480	T65C 040	530340	75011	3
MARATHON COMM THEATRE 10/05-9/05	X 530410	T65C 040	530340	75011	3
MARATHON COMM THEATRE 10/02-9/03	Y 530480	040	530340	75011	35
PIRATES OF CARIBBEAN FEST 11/15 - 12/3, 2000	X 530410	039	530340	75011	3
PIRATES OF CARIBBEAN FEST 11/15 - 12/3, 2000	X 530480	039	530340	75011	15
KEY WEST MUSIC FESTIVAL	X 530480	038	530340	75011	축
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15 75011 520340 140 7 520440 150 720	15,078	9TH ANNUAL CHRISTMAS EXHIBIT 12/05-3/06	530480	×	T65C 512	530340	75011	15
### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122000 ### \$122005 ### \$122000 ### \$	200	8TH ANNUAL CHRISTMAS EXHIBIT 12/04/04	530410	×	T65C 512	530340	75011	135
### \$122005 \$15011 \$30340 421 X \$3040	23,500	FL KEYS HISTORY OF DIVING MUSEUM 10/05-9	530480	×	T65C 498	530340	75011	35
######################################	1,500	FL KEYS HISTORY OF DIVING MUSEUM 10/05-9	530410	×	T65C 498	530340	75011	115
### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12006 ### \$1		PACKW - T. WILLIAMS THEATRE 1/15-18;11-8/04	530480	×	483	530340	75011	5
### \$12005 ### \$12005 ### ### \$12005 ### \$12		PACKW - T. WILLIAMS THEATRE 1/15-18;11-8/04	530410	×	483	530340	75011	3
### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12005 ### \$12006 ### \$1	14,730	FL. KEYS ART GUILD OUTDOOR ART FEST 11.	530480	×	T65C 482	530340	75011	3
### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122000 ### \$117-20200 ### \$117-20200 ### \$122000	5,000	FL. KEYS ART GUILD OUTDOOR ART FEST 11/2	530480	~	T55C 482	530340	75011	3
### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$1220005 ### \$122005 ### \$122005 ### \$122005 ### \$122005 ### \$122000 ###		TROPIA BUTTERFLY CENTER 4/1-30/04	530480	×	481	530340	75011	115
### \$122005 ### \$1		TROPIA BUTTERFLY CENTER 4/1-30/04	530410	×	481	530340	75011	퍐
### ### ### ### ### ### ### ### ### ##	TE'S THEATRE PRO	KW THEATRE - BAHAMA VILLAGE YOUNGE PEOF	530480	×	480	530340	75011	115
### ##################################	-6/12/04	KEY WEST HARRY S TRUMAN FOUNDATION 6/11	530480	×	479	530340	75011	춠
### \$122005 \$1		KEY WEST HARRY S TRUMAN FOUNDATION 6/11	530410	×	479	530340	75011	115
### \$122005 \$122005 \$122005 \$122005 \$122005 \$1220005 \$	0	ISLAND OPERA THEATRE (10/04 - 9/05)	530480	×	478	530340	75011	115
### PARADISE FESTIVAL 06 1125-1224 175011	5,000	ISLAND OPERA THEATRE (10/04 - 9/05)	530480	~	T55C 478	530340	75011	155
### \$122005 *** *** *** *** *** *** ***	15,885	ISLAND OPERA THEATRE 10-6/2006	530480	×	165C 478	530340	75011	115
### \$122005 *********************************	Rascals 10/1-7/20/04	MEL FISHER MARITIME MUSEUM Reefs, Wrecks 8	530480	~	477	530340	75011	5
### ### ### ### ### ### ### ### ### ##	7	KW ART & HISTORIC - HEMINGWAY&EVANS 1-9/	530480	~	476	530340	75011	3
### ### ### ### ### ### ### ### ### ##	ω .	FLORIDA KEYS HERITAGE FESTIVAL 1/18-19/200	530480	~<	450	530340	75011	135
### ### ### ### ### ### ### ### ### ##	Ci	FLORIDA KEYS HERITAGE FESTIVAL 1/18-19/200	530410	~	450	530340	75011	115
### ### ### ### ### ### ### ### ### ##	1/29:2/26:3/26/4/30	KEYS COMMUNITY CONCERT BAND 11/27/12/18:	530480	×	449	530340	75011	15
### ### ### ### ### ### ### ### ### ##	270	KEYS COMMUNITY CONCERT BAND 11/05-4/06	530410	×	T65C 449	530340	75011	35
### ### ### ### ### ### ### ### ### ##	7.280	KEYS COMMUNITY CONCERT BAND 11/05-4/06	530410	×	T65C 449	530340	75011	35
### ### ### ### ### ### ### ### ### ##	-30/02/1/11-12/2/1-2/3	FKAG OUTDOOR ART FESTIVALS 1/30 12/1: 12/28	530480	×	448	530340	75011	115
### ### ### ### ### ### ### ### ### ##	3002 1010 2010	FKAG OUTDOOR ART FESTIVALS 1/30-12/1-12/28	530410	×	448	530340	75011	135
### ### ##############################		S FL CENTER FOR THE ARTS (116:12/4/04:02/8/5	530480	×	447	530340	75011	115
### ##################################	25,000	S FL CENTER FOR THE ARTS 11/05/3/06	530480	×	T65C 447	530340	75011	115
### ##################################	1 200	KEY PLAYERS (1004 - 9/05)	530480	~	T55C 446	530340	75011	35
### ##################################	F0,030	KEY PLAYERS (10/03 - 9/04)	530480	~	446	530340	75011	15
### ##################################	20.810	KEY PLAYERS (10/05-4/06)	530480	×	T65C 446	530340	75011	
### ##################################	5,000	PERFORMANCE AT ST. PAUL'S 10/105 - 9/30/06	530480	×	T65C 445	530340	75011	<u></u>
### ##################################	7.700	ART IN THE PARK 2003 1/17-2/22/2003	530480	×	444	530340	75011	ᇙ
### ##################################		SCULPTURE KEY WEST 1/7 - 3/26/2006	530480	×	T65C 444	530340	75011	115
### ##################################	- 0/2003	MATTHEW JAMPOL DINNER CONCERTS 10/2002	530410	~	443	530340	75011	Ì
### ##################################	20,00	PIRATES IN PARADISE 11/28-1/8/2002	530480	×	442	530340	75011	35
### ##################################	736 20 B3	KW AFRICAN ANTIROTH INCIDENTAL ANTIROTH	530480	× :	441	530340	75011	35
### ##################################	20,2003	WWAFRICAN AMERICAN HERITAGE FERTINAL A	530410	× ·	4	530340	75011	3
### ##################################	20/2003	A HOY COOK AS GIVES BAND IS LOVED SHE WAS AS HER THE THE WAS THE CAND TO SHE WAS AS AS	530480	ζ -	440	530340	75011	<u></u>
### ### ##############################		THE PROPERTY OF THE PARTY IS LEVEL SITE. THE PROPERTY OF THE PARTY OF	530/10	< >	440	536340	75011	<u></u>
updated 5/12/2005 ss	8.660	PRATES IN PARADISE ESSENTIAL DE 13/25-12/4	530410	× >	T85C 434	530340	75011	135
updated 5/12/2005 8s		KW POPS ORCHESTRA 12/16/2002;1/12:3/2/2003	530480	< ×	42) 42)	530340	75044	÷ 5
5/12/2005	BUDGET	**************************************		:	÷		7	,
5/12/2005	PROPOSED							
5/12/2005 ss	FISCAL YEAR 2							
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2010/16/13		}				0.0203	ranporto	
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23,000	KW ART & HISTORIC - IN THEIR OWN WORDS	530480	×	T65C 556	530340	75011	115
2,183	FLORIDA KEYS HOLIDAY FESTIVAL 12/2-3/2005	530480	×	T66C 555	530340	75011	15
0	ST. PATRICK'S DAY PARADE	530480	×	T65C 554	530340	75011	3
0	FLORIDA KEYSMEDIEVAL FESTIVAL	530480	×	T65C 553	530340	75011	135
3,000	M.F.ISHER WARITIME HERITAGE SOCIETY - SIL	530410	×	T65C 552	530340	75011	115
22,000	M.FISHER WARITIME HERITAGE SOCIETY - SIL	530480	×	T65C 552	530340	75011	115
5,000	ROBERT FROST POETRY FESTIVAL 4/21/23/201	530480	×	T65C 551	530340	75011	15
100	CIVIL WAR HERITAGE FESTIVAL 2/9-12/2006	530410	×	T65C 550	530340	75011	3
4,900	CIVIL WAR HERITAGE FESTIVAL 29-12/2006	530480	×	T65C 550	530340	75011	3
	SUNKEN TREASURE - 20 YEARS LATER - 10/1-9/,30/05	530480	×	520	530340	75011	115
2,500	FKFC KEYS CHORALE 10/1-9/30/05	530480	×	519	530340	75011	135
	FKEC KEYS CHORALE 10/1-9/30/05	530410	~	T55C 519	530340	75011	115
	KEY WEST PLAYWRIGHTS COMPANYcancelled	530480	×	518	530340	75011	115
	KEY WEST PLAYWRIGHTS COMPANY cancelled	530410	×	518	530340	75011	115
Y WEST 1928-1939-7/	FISHING, FRIENDS & FAMILY HEMINGWAY IN KEY WEST 1928-1939-7	530480	×	517	530340	75011	115
750	H.S. TRUMAN LEGACY SYMPOSIUM 5/2006	530410	×	T65C 516	530340	75011	135
13,012	H.S. TRUMAN LEGACY SYMPOSIUM 5/2006	530480	×	T65C 516	530340	75011	<u></u>
21,000	FOUNDERS SOCIETY 2TH ANNIVERSARY OF S	530480	×	T65C 515	530340	75011	115
NG ART & CRAFT Sh	BLUE SKY ART & CRAFT SHOW & RITE OF SPRING ART & CRAFT Sh	530480	×	514	530340	75011	315
NG ART & CRAFT Sho	BLUE SKY ART & CRAFT SHOW & RITE OF SPRING ART & CRAFT Sh	530410	×	514	530340	75011	115
5,862	MIDDLE KEYS CONCERT SEASON 1/2/3/2006	530480	×	T65C 513	530340	75011	15
BUDGET							
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FISCAL YEAR 20							
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				5	5/12/2005	updated	
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CULTURAL UMBRELLA AGREEMENT

THIS AGREEMENT is entered into thisday of	2006, by and	hetweer
Monroe County, a political subdivision of the state of	Florida ("COLINTY")	and the
Monroe Council of the Arts Corporation, d/b/a Florida Keys	Council of the Arte	a Florida
non-profit corporation ("FKCA").	Oddrien of the Arts,	a monua

WITNESSETH:

WHEREAS, COUNTY desires to contract with FKCA so that the FKCA will act as a county wide Cultural Umbrella to make recommendations to the MONROE COUNTY TOURIST DEVELOPMENT COUNCIL (TDC) and COUNTY concerning funding for tourism related cultural activities; and

WHEREAS, FKCA is qualified and able to act as a Cultural Umbrella organization and to provide these recommendations;

NOW, THEREFORE, the parties agree as follows:

- 1. <u>Term</u>: The term of this agreement is for a three year period commencing October 1, 2006 and terminating September 30, 2009. Upon the recommendation of the Tourist Development Council, the COUNTY may exercise an option for an additional two (2) years upon giving written notice to the FKCA no less than sixty (60) days prior to September 30, 2009. Monroe County's performance and obligation to pay under this agreement, is contingent upon an annual appropriation by the COUNTY.
- 2. <u>Scope of Services</u>: The FKCA will provide the following services:
 - a) FKCA shall administer TDC policies and procedures which will distribute on an equitable district-wide percentage basis those monies recommended for all TDC qualified cultural events. FKCA will accept applications for the events on an annual basis.
 - b) FKCA shall advertise the availability of the Cultural Umbrella program through which event coordinators may apply for promotional funding. The advertisement shall be placed at a minimum, in a newspaper of general circulation, in each of the three primary areas of the County, to wit: Lower Keys, Middle Keys and Upper Keys. The advertisement shall give notice of the availability of funding, the restriction of such funding to promotional expenditures and any other information which FKCA deems necessary to conduct the cultural umbrella program. FKCA may place the advertisements and be reimbursed pursuant to paragraph 3 or may request TDC to place the advertisements and pay the newspapers directly.
 - c) FKCA shall conduct at least three (3) workshops each year, one per area of the Florida Keys (Lower Keys, Middle Keys, Upper Keys), within two weeks after the release of the request for application, to explain the application process to all potential applicants.
 - d) All meetings related to the administration of the Cultural Umbrella shall be open to the public and properly noticed, in conformity with the same rules as required for all governmental meetings under F.S. 286.011.

- e) The TDC administrative office shall receive a copy of the agenda of any Cultural Umbrella meetings/workshops at least seven (7) days prior to the scheduled meeting/workshop.
- f) FKCA shall recommend funding for events in each district proportionate to the total revenues generated by each district. If funding available under this plan to any district is not allocated for specific events, the monies remaining shall be allocated to the county-wide Cultural Umbrella advertising campaign.
- g) The recommendations of the Cultural Umbrella Committee shall be submitted to the TDC for consideration prior to adoption of the TDC annual budget each year, but FKCA has no final authority to require TDC to adopt its recommendations. TDC will then make recommendations to the COUNTY for allocation of funds and contracts with each individual recipient.
- h) FKCA shall make recommendations to the TDC and COUNTY of those members who shall sit on the Cultural Umbrella Recommendation Committee. There shall be five (5) members, one each representing the five TDC Districts. Recommended appointments will be approved by the TDC and COUNTY and will be referenced in an Exhibit to the Agreement. An amended Exhibit shall be provided by COUNTY if changes occur.
- i) FKCA shall provide in writing, or by verbal communication to the TDC Administrative office Cultural Umbrella funding and event related activities to be included in the scheduled Monroe County Tourist Development Council District Advisory Committees meeting packets.
- j) FKCA shall not receive any administration compensation, directly or indirectly, out of the TDC Cultural Umbrella funds.
- k) The FKCA shall make recommendations for changes in TDC policies pertaining to the Cultural Umbrella as it deems appropriate and shall submit such recommendations for TDC and County approval.

3. <u>Funding</u>:

- a. The COUNTY shall allocate from tourist development tax funds, an amount not to exceed Six Hundred Seventy Thousand Eight Hundred dollars (\$670,800.00) for the agreement year ending September 30, 2007. For each of the remaining years, under the agreement, COUNTY shall allocate from tourist development tax funds such amounts as are established within the TDC budget approved by the COUNTY prior to each fiscal year. The budget for period ending September 30, 2007 is attached hereto as Exhibit B and incorporated herein. Monroe COUNTY and TDC will fund, through its Advertising and Public Relations agencies of record, costs of promotion and advertising of cultural events: (1) directly to vendors upon receipt of properly approved invoices or (2) reimburse the event coordinator upon receipt of properly approved paid invoices and evidence of payment, subject to availability of funds.
- b. No salary, bonus, or other compensation will be paid directly or indirectly out of the County's Cultural Umbrella funds, and no Cultural Umbrella funds shall be used in the computation of any salary, bonus or other compensation to any person.
- c. Administrative costs, including but not limited to salaries, transportation costs, and mailing were previously paid by the predecessor contractor and therefore

- pursuant to BOCC Resolution No. 316-2001, shall be borne entirely by the FKCA.
- d. There shall be no action by FKCA which has the effect of reducing in anyway the amount of TDC and FKCA money used for advertising, promotion or any programs of either entity.
- 4. <u>Termination:</u> The agreement may be terminated by either party with or without cause with 120 days prior written notice.
- 5. <u>Accounting</u>: Records of the FKCA pertaining to this agreement shall be kept pursuant to generally recognized accounting principals, acceptable to Monroe County, and shall be available to the COUNTY or to an authorized representative for audit, or for records made available pursuant to Chapter 119, Florida Statutes.
- 6. <u>Modification</u>: Additions to, modification to or deletions from the provisions set forth in this agreement shall be effective only in writing and approved by the partiles.
- 7. <u>Indemnification and Hold Harmless</u>: The FKCA agrees to indemnify and hold Monroe County and the Monroe County Tourist Development Council harmless for any and all claims, liability, losses and causes of action which may arise out of its fulfillment of the agreement. It agrees to pay all claims and losses, including related court costs and reasonable attorneys fees, and shall defend all suits filed due to the negligent acts, errors or omissions of the FKCA employees and/or agents.
- 8. <u>Taxes</u>: The COUNTY and TDC are exempt from Federal Excise and State Florida Sales Tax.
- 9. <u>Finance Charges</u>: The COUNTY and TDC will not be responsible for any finance charges.
- 10. Relationship: It is the intent of the parties hereto that the FKCA shall be legally considered as an independent contractor and that neither it nor its employees or agents shall, under any circumstance, be considered servants or agents of the COUNTY and TDC. COUNTY and TDC shall at no time be legally responsible for any negligence on the part of the Event Sponsor, its employees or agents, resulting in either bodily or personal injury or property damage to any individual, firm, or corporation.
- 11. <u>Disclosure</u>: The FKCA shall be required to list any or all potential conflicts of interest, as defined by Florida Statute 112 and Monroe County Ethics Ordinance. The FKCA shall disclose all actual or proposed conflicts of interest, financial or otherwise, direct or indirect, involving any client's interest which may conflict with the interests of the COUNTY and TDC.
- 12. <u>Assignment</u>: the FKCA shall not assign, transfer, convey, sublet or otherwise dispose of this agreement, or of any or all of its right, title or interest therein, or his or its power to execute such contract to any person, company or corporation without prior written consent of the COUNTY and TDC.

- 13. <u>Compliance With Laws Non Discrimination</u>: FKCA shall comply with all international, federal, state and local laws and ordinances applicable to the work or payment for work thereof, and shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, age, or national origin in the performance of work under this agreement. This agreement shall be subject to all international, federal, state, and local laws and ordinances.
- 14. <u>Force Majeure</u>: Neither COUNTY nor FKCA shall be liable for delay in performance or failure to perform, in whole or in part, the services due to the occurrence of any contingency beyond its control or the control of any of its subcontractors or suppliers, including labor dispute, strike, labor shortage, war or act of war whether an actual declaration thereof if made or not, insurrection, sabotage, riot or civil commotion, act of public enemy, epidemic, quarantine restriction, accident, fire, explosion, storm, flood, drought, or other act of God, act of any governmental authority, jurisdictional action, or insufficient supply of fuel, electricity, or materials or supplies, or technical failure where the FKCA has exercised reasonable care in the prevention thereof, and any such delay or failure shall not constitute a breach of this agreement.
- 15. <u>Governing Law/Venue</u>: This agreement shall be governed and construed by and in accordance with the laws of the State of Florida and constitutes the entire agreement between the COUNTY and FKCA. Venue of any court action filed relative to this agreement shall lie in Monroe County, Florida.
- 16. <u>Antisolicitation</u>: The FKCA warrants that no person has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee and that no member of the Monroe County government or the TDC has any interest, financially or otherwise in the FKCA or its subcontractors.
- 17. <u>Severability</u>: If any provision of the agreement shall be held by a Court of competent jurisdiction to be invalid or unenforceable, the remainder of this agreement, or the application of such provision other than those as to which it is invalid or unenforceable, shall not be affected thereby; and each provision of the agreement shall be valid and enforceable to the fullest extent permitted by law.
- 18. <u>Notice</u>: Any notice required or permitted under this agreement shall be in writing and hand-delivered or mailed, postage prepaid by certified mail, return receipt requested, to the other party as follows:

TO: COUNTY: AND
Monroe County Administrator Director,
5100 College Road
Key West, FL 33040

TDC: Tourist Development Council 1201 White Street, Suite 102 Key West, FL 33040

TO: FKCA:
Florida Keys Council of the Arts
1100 Simonton Street, Suite 2-263
Key West, FL 33040

COUNTY, through TDC, shall give notice to FKCA of any meetings at which there is an agenda item pertaining to Cultural Umbrella.

- 19. <u>Ethics Clause</u>: The FKCA warrants that it has not employed, retained or otherwise had act on its behalf, any former COUNTY office or employee in violation of Section 2 or Ordinance No. 10-1990 or any COUNTY officer or employee in violation of Section 3 of Ordinance No. 10-1990. For breach or violation of the provision the COUNTY may, at its discretion terminate this agreement without liability and may also, at its discretion, deduct from the agreement or purchase price, or otherwise recover, the full amount of any fee, commission, percentage, gift, or consideration paid to the former or present COUNTY officer or employee.
- 20. Public Entity Crime Statement: A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crime may not submit a response on a contract to provide any goods or services to a public entity, may not submit a response/bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit responses/bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

(SEAL) Attest: Danny L. Kolhage, Clerk	Board of County Commissioners of Monroe County
Deputy Clerk	Mayor/Chairman
(CORPORATE SEAL) Attest:	Florida Keys Council of the Arts
D.,	By Masaskell
By Secretary	President
	Monica Haskell
Print Name	Print Name
OR	
(1) Witness	
Print Name	MONROE COUNTY ATTORNEY APPROVED AS TO FORM:
(2) Witness	Susan M. GEMSLEY
Print Name	ASSISTANT COUNTY ATTORNEY
Cultural Umbrella Agreement 2006	5-16-06

Monroe Council of the Arts

EXHIBIT A

RECOMMENDATION COMMITTEE

The Recommendation Committee of the FKCA Cultural Umbrella is comprised of five (5) members, with one member representing each of the five TDC Districts throughout the Monroe County. The members shall be appointed by the FKCA and confirmed by the TDC and COUNTY.

As of the commencement of the agreement effective October 1, 2006, the members shall be:

District I

Ms. Shirley Freeman

District II

Ms. Sherry Phillips

District III

Ms. Marianne Motches

District IV

Mr. Chris Sante

District V

Mr. Bob Sandifer

The term of a Recommendation Committee member shall be for one (1) year terminating September 30th of each year of the agreement. New appointees, re-appointees and replacement members shall be confirmed by the FKCA, TDC and COUNTY.

EXHIBIT B

FY 2007 BUDGET

Umbrella Total 670,800 Minimum of 30% advertising 201,240

DAC I	53%	248,867
DAC II	6%	28,174
DAC III	14%	65,738
DAC IV	13%	61,043
DAC V	14%	65,738